



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: AVIGAD *et al.*

Attorney Docket No.: 2723.001

Serial No.: 10/562,527

Examiner: Unknown


Filed: December 28, 2005

Group Art Unit: Unknown

Title: PROGNOSIS DETERMINATION IN EWING SARCOMA PATIENTS BY  
MEANS OF GENETIC PROFILING

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 20, 2006.

  
Kathy Smith Dias  
Attorney for Applicants  
Reg. No. 41,707

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

This paper is filed in response to a Notification of Missing Requirements mailed May 19, 2006 for the above-identified application. In light of a Request for a four-month extension of time and fee therefor, response was due November 19, 2006; that being a Sunday, the response is timely filed.

This application is a 371 filing of PCT International application no. PCT/IL2004/000578 filed June 30, 2004. After the filing of the PCT international application but before entry into the national phase in the U.S. one of the co-inventors, Rina Zaizov, died. Accordingly, in compliance with 37 C.F.R. § 1.42, enclosed with this response is a Declaration and Power of Attorney signed by three co-inventors and the spouse of the deceased co-inventor, as legal representative thereof. As evidence of Mr. Marx authority to act as legal representative, enclosed herewith is a copy of the marriage certificate recording their marriage in Israel.

Respectfully submitted,



---

Kathy Smith Dias  
Attorney for Applicants  
Registration No. 41,707

Dated: November 20, 2006

Address for Correspondence:

Kathy Smith Dias

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203-5160

Telephone: (518) 452-5600

Facsimile: (518) 452-5579

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
**2723.001**

In Re Application Of: **Smadar Avigad**

| Application No.   | Filing Date              | Examiner       | Customer No. | Group Art Unit | Confirmation No. |
|-------------------|--------------------------|----------------|--------------|----------------|------------------|
| <b>10/562,527</b> | <b>December 28, 2005</b> | <b>Unknown</b> | <b>23405</b> | <b>Unknown</b> | <b>8058</b>      |

Invention: **PROGNOSIS DETERMINATION IN EWING SARCOMA PATENTS BY MEANS OF GENETIC PROFILING**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
May 19, 2006  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.
- ☒ Other (list):

**Communication  
Postcard**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
2723.001

In Re Application Of:

**Smadar Avigad**

| Application No. | Filing Date       | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------------|----------|--------------|----------------|------------------|
| 10/562,527      | December 28, 2005 | Unknown  | 23405        | Unknown        | 8058             |

Invention: **PROGNOSIS DETERMINATION IN EWING SARCOMA PATENTS BY MEANS OF GENETIC PROFILING**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application basic fee

☐ Design application basic fee

☐ Search Fee

\$0.00

☐ Examination Fee

\$0.00

☐ Total number of independent claims =

☐ Total number of claims =

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

\$65.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

11/27/2006 ATRAN1 00000038 10562527

Total completion of application fees \$65.00

01 FC:2617

65.00 0P

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month

☐ Two months

☐ Three months

☒ Four months

☐ Five months

from: July 19, 2006

Date

until: November 19, 2006

Date

11/27/2006 ATRAN1 00000038 10562527

Total time extension fees \$795.00

02 FC:2254

795.00 0P

Total fees due \$860.00

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
2723.001

In Re Application Of: Smadar Avigad

| Application No. | Filing Date       | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------------|----------|--------------|----------------|------------------|
| 10/562,527      | December 28, 2005 | Unknown  | 23405        | Unknown        | 8058             |

Invention: **PROGNOSIS DETERMINATION IN EWING SARCOMA PATENTS BY MEANS OF GENETIC PROFILING**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$860.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-1935
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 08-1935
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Kathy Smith Dias, Esq.,  
Registration No.: 41,707

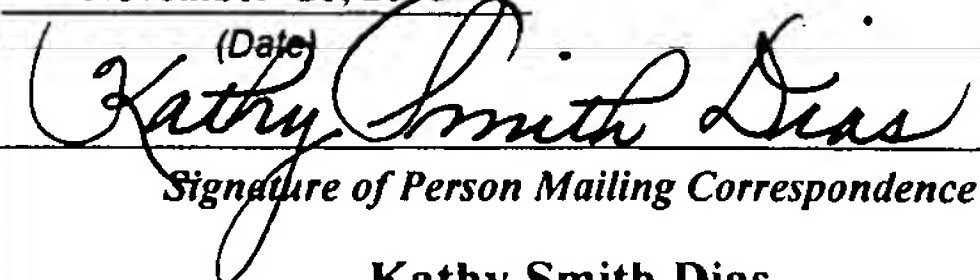
**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

CC:

Dated: November 20, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

November 20, 2006

  
Signature of Person Mailing Correspondence

Kathy Smith Dias

Typed or Printed Name of Person Mailing Correspondence

KSD



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/562,527                  | Smadar Avigad         | 2723.001         |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/IL04/00578

23405  
HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/30/2004       | 07/01/2003    |

CONFIRMATION NO. 8058

371 FORMALITIES LETTER



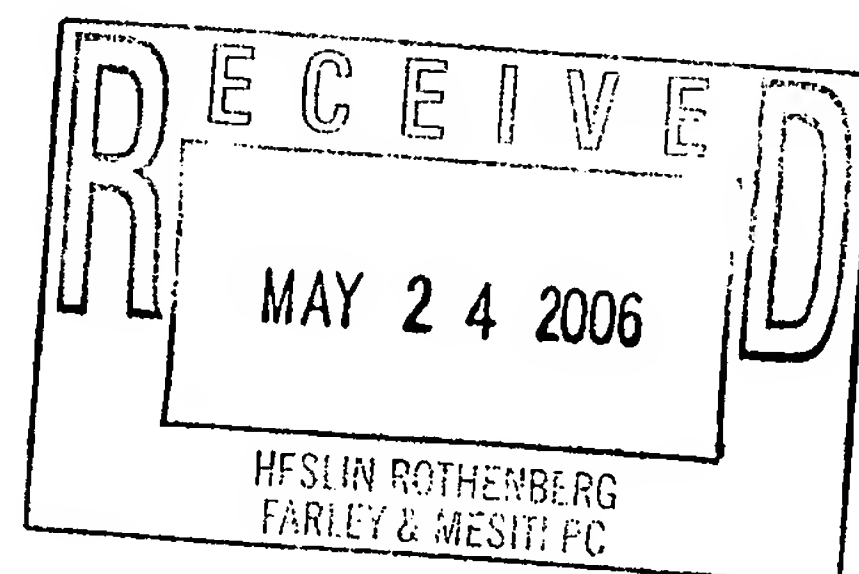
\*OC000000018850569\*

Date Mailed: 05/19/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/28/2005
- Copy of the International Search Report filed on 12/28/2005
- Preliminary Amendments filed on 12/28/2005
- Information Disclosure Statements filed on 12/28/2005
- Oath or Declaration filed on 12/28/2005
- Small Entity Statement filed on 12/28/2005
- U.S. Basic National Fees filed on 12/28/2005
- Priority Documents filed on 12/28/2005
- Specification filed on 12/28/2005
- Claims filed on 12/28/2005
- Abstracts filed on 12/28/2005
- Drawings filed on 12/28/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

DOCKETED 7/19/00

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/562,527                  | PCT/IL04/00578                | 2723.001         |